IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 4680 OF 2007

Kashiram S. Dhandare .vs. Madhukar P. Rathod

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

CORAM: A.P. LAVANDE & R.V. MORE, JJ.

DATED : OCTOBER 4, 2007.

Heard Mr. Joshi, learned Counsel for applicants, Mr. S.R. Deshpande, learned Counsel for respondent nos. 1 & 2 and Mrs. Joshi, learned AGP for the respondent no. 3.

By this application, the appellants seek condonation of delay of 5840 days in filing L.P.A. against the order dated 15.1.1992 passed by learned Single Judge allowing Writ Petition No. 173/1989.

Mr. Joshi, learned Counsel for applicants, submits that the delay in approaching this Court against the impugned order has been explained by appellants. Since 1992, the appellants have been approaching the concerned M.L.A. as well as the Government for seeking redressal against impugned order and since Government has chosen not to file Special Leave Petition before the Apex Court against the impugned order, the appellants have been constrained to approach this Court by filing L.P.A. along with an application for condonation of delay. He further submitted that term “sufficient cause” should be construed liberally and in support of his

submission, he relied upon the judgment of Apex Court in the case of **N. Balakrishnan .vs. M. Krishnamurthy reported in (1998) 7 S.C.C. 123.**

The application has been vehemently opposed by Mr. Deshpande, learned Counsel for respondent nos. 1 & 2 and Mrs. Joshi, learned A.G.P. for respondent no.3.

Having considered the submissions made by learned Counsel for the rival parties and having perused the application along with its Annexures, we find no merit in the present application. The delay has been gross and mere fact that they had approached Government and the concerned M.L.A. for approaching the Apex Court against the impugned order by itself is not sufficient to condone the delay of period of 5840 days in filing the L.P.A. We are of the considered opinion that the appellants have not made out sufficient cause for condoning the delay. Even applying the principles laid down by the Apex Court in several judgments and liberally construing the term “sufficient cause”, we are unable to hold that the appellants deserve an order in their favour of condoning long period of delay of 5840 days. In view of the above, we find no merit in the application. The application stands dismissed.

CIVIL APPLICATION NO. 7075 OF 2007 :

In view of dismissal of C.A. No. 4680/07, nothing survives in the application. The application stands dismissed.

J. **JUDGE.** **JUDGE.**